



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

APR 22 2011

See Attached Service List

EPA Region 5 Records Ctr.



393799

RE: Sandoval Zinc Site , Site ID # B5A8
General Notice of Potential Liability

Dear Madam or Sir:

The United States Environmental Protection Agency (EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced Site, and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 *et seq.* (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the Site, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of the hazardous substances at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning, and enforcement costs.

EPA is currently planning to conduct the following actions at the above-referenced Site:

- Prepare a work plan that includes a health and safety plan.
- Perform an investigation to determine the levels of contamination in the surface soil, and sediments throughout the Site and the surrounding residential area.
- Provide site security measures as required.
- Excavate and dispose of significantly contaminated soil located at adjacent residential properties and conduct confirmation sampling.
- Back fill the excavated areas with clean material and topsoil. Restore and vegetate excavated areas to prevent soil erosion.

- Properly address any additional hazardous waste and/or materials identified during the removal.

EPA has received information that you may have generated or transported hazardous substances that were disposed of at the Site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the Site. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse EPA for its costs. If a consent order cannot be promptly concluded, EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If your company is a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet, which may be helpful if you are subject to an EPA enforcement action.

EPA has previously contacted other parties as to their potential liability at the Site. A list of these parties and their contact information is enclosed.

As a potentially responsible party, you should notify EPA in writing within ten (10) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse EPA for its costs. Your response should be sent to:

Peter Felitti
U.S. EPA - Region 5
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the Site and that you decline any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in a voluntary cleanup action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Peter Felitti of the EPA Office of Regional Counsel at (312) 886-5114.

Due to the nature of the problem at this facility and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Jaffess", with a long horizontal flourish extending to the right.

Sharon Jaffess, Acting Chief
Remedial Response Branch 1

Enclosure

bcc: Peter Felitti, ORC (C-14J)
Kevin Turner, OSC (SE-5J) (SE-GI) (ME-W) (B-2)
John Maritote (SE-5J)
William Ryczek, ESS #1 (SE-5J)
Pamela Molitor, RPM (SR-6J)
Mike Harris, ECAB (SE-5J)
Richard Hackley, PAAS (MF-10J)
Records Center (SMR-7J)
Michael T. Chezick (Regional Environmental Officer, Office of Environmental Policy and Compliance,
Philadelphia Region, Custom House, Room 244, 200 Chestnut Street, Philadelphia, PA 19106)

SERVICE LIST

American Zinc
45th St., and Cookson Road
Fairmont City, IL 62201

Behr and Company
1600 Webster St.
Dayton, OH 45401

Circle Smelting
Reg. Agent, 140 S. Dearborn St.
14th Fl
Chicago, IL 60603-5202

Commercial Metals Company
Reg. Agent
801 Adlai Stevenson Drive
Springfield, IL 62703-4261

Luria Brothers
350 N. Artesian Ave
Chicago, IL 60612-2118

Deka Minerals
Attn: Martin D. Ginsburg
767 Fifth Avenue
New York, NY 10022

Galvan Mfg. Co., Inc.
1702 Woodland Rd
New Albany, IN 47150-5516

Gerox, Inc.
826 S. East
Know, IN 46534

Gerox, Inc.
Reg. Agent - John W. Borth
392 54th St., SW
Grand Rapid, MI 49548-5620

Quick Tank Industries
P. O. Box 338
Kendallville, IN 46755-0338

Quick Tank Industries
545 N. Krueger St.
P. O. Box 338
Kendallville, IN 46755

Sheffield Steel Corp.
Industry Avenue
Chicago, IL 60657

PREVIOUS SERVICE LIST

Anne M. Beckert
Anne. Beckert at Law
722 W. Junior Terrace
Unit C
Chicago, IL 60613

Circle Iron & Metal, a Division of Mervis Industries, Inc.

William J. Anaya
Arnstein & Lehr, LLP
120 South Riverside Plaza
Suite 1200
Chicago, IL 60606

City Metals Refining Co., Inc.

Martin L. Zeldes, President
City Metals Refining Co., Inc.
2205 Cameo Lake Drive
Bloomfield Hills, MI 48302

InterAmerican Zinc

Metalchem, Inc.

Midwest Zinc Corporation

Kelly D. Brown
Crain Caton & James
1401 McKinney Street
Suite 1700
Houston, TX 77010

North American Galvanizing Company

Robert T. Stewart
Kelly Hart & Hallman LLP
301 Congress Avenue
Suite 2000
Austin, TX 78701

Phelps Dodge Industries, Inc.

David L. Wallis, Esq.
Jason W. Hughes
Gallagher & Kennedy, P.A.
2575 E. Camelback Road
Phoenix, AZ 85106

Valmont Industries, Inc.

Daniel M. Steinway
Baker Botts L.L.P.
The Warner
1299 Pennsylvania Ave., NW
Washington, DC 20004

Reliable Galvanizing Company

Michael Eisner, President
Reliable Galvanizing Company
819 W. 88th Street
Chicago, IL 60620

Big River Zinc Corporation

George Obeldobel, President
Big River Zinc Corporation
2401 Mississippi Ave.
Sauget, IL 62201

AK Steel Corporation

James Wainscott, President
AK Steel Corporation
9227 Centre Pointe Dr.
West Chester, OH 45069

Galvan Mfg Co Inc.

Richard Pruitt, President
Galvan Mfg Co Inc.
1702 Woodland Road
New Albany, IN 47150

Hobson Galvanizing, Inc.

David H. Dingus, President
Hobson Galvanizing, Inc.
2402 Engineer's Road
Belle Chase I A 70037

Imperial Zinc Corp.

David H. Kozin, President
Imperial Zinc Corp.
1031 East 103rd St.
Chicago, IL 60628

C. Scott Farmer
723 East 3rd
Metropolis, IL 62960



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators

(www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center

(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act

(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.

(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers (www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.

(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse

(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline

(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information

(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.

(1-202-554-1404)

Wetlands Helpline

(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman

(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage

(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions.

EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy

(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy

(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.